

POLITY TRICKS

Learn and Remember
Indian Constitution

DR. VINAY BANSAL

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Polity Tricks

Learn and Remember Indian Constitution

Dr. Vinay Bansal

Objectives

This book aims for the following objectives-

1. It will help in better understanding of Indian polity concepts and about the day to day working of Indian political administration. As the Indian constitution and other acts contain complex language and legal terms, it is difficult to interpret. This book will help in solving this problem.
2. To make it joyful learning, we have used the techniques of comparing political administration with various routine life activities and some fiction stories. These stories will help the readers to understand and remember the complex concepts.
3. To remember the parts, articles and schedules of the Indian Constitution; many memory tricks and mnemonics have been used. These mnemonics will help to reproduce this data in various examinations.

What is the need for a political system in a country?

The above question is the first step of learning polity.

We will take the help of an imaginary story of school administration to learn the political system of India.

While reading this story, you should actively involve yourself in the story. It will help you in understanding the parts of the constitution in detail, in the coming chapters.

‘Story of school administration’ is explained below in points. Comparison with the real situations is in *italic and underlined words* at the end of every point.

The principal and the teachers run a school of class 6th to 10th. All students are abided by their orders. The school principal and the teachers frame the policies and rules without any input from the students. The students have to follow these rules, whether they like it or not. *Condition of India under the British.*

As most of the students do not like these policies, they protest against the present system and want to make policies and rules by themselves. *The freedom struggle of India.*

Finally, the principal and the teachers decided to leave the school. Now the students had to administer the school. It means the students will themselves

decide the fee structure, schedule, fine, holidays and whatnot. India gets freedom.

For running a new system of the school, they required a new rule book. The principal **nominated** some intelligent students that were acceptable to the majority of the students, to draft this new rule book. These nominated students now went through long brainstorming sessions and made a new rule book. Constituent assembly nomination and the making of the Indian constitution.

The first page of the new rule book gives a broad outline or synopsis of this new rule book. It writes that “This book will make our school run by students. Our school policies will be made by mutual consent, without favour and after proper discussion with everyone. Every student will pay an equal fee and will enjoy equal holidays and exemption from homework.” The preamble of the Indian constitution.

The new rule book contained chapters and paragraphs. Some lists were there at the end of the book. Each paragraph had a unique number. Means with the start of the new chapter, paragraph number remained in continuity with the previous chapter. Suppose the first chapter contains paragraphs from number 1 to 4, then the second chapter's first paragraph number starts from 5. In the real constitution, these Chapter corresponds to 'Parts'; Paragraphs corresponds to 'Articles' and Lists corresponds to 'Schedules'.

The 1st chapter of the rule book was about the definition of school. It says that the school will consist of class 6, 7, 8, 9 and 10 and will also consist of a library and laboratory. There were 4 paragraphs in this chapter explaining the details of the above definition. Part I of the Indian Constitution describes India as the Union of States and Union territories.

2nd Chapter deals with, who can now be students of this school. This chapter contained paragraphs number 5 to 11.

It explains that school will allow the following boys/girls as students:
- All who were earlier students of school before the launch of this rule book.

- Brothers/sisters of existing students can take new admission to the school.
- Any new student will be allowed only after proper checks.
- Existing student can be expelled from the school if he joins any other school or breaks the rules.

2nd Part explaining Citizenship from article 5 to 12

3rd Chapter deals with the rights that are compulsory to be provided to all the students. No student can be denied these rights. It contained many rights such as-

- Right to sit on any bench of the class
- Right to take at least one leave every month
- Right to play in the sports meet
- Right to enter laboratory/library

Fundamental Rights in Part 3 of the Indian Constitution.

4th Chapter had some duties that school administration should do, but these were not compulsory like rights given in Chapter 3.

For example,

- School should provide a bus service for every student
- School should grow and save trees/plants in the school
- School should give fee concession to poor students.

These were not essential but were guiding principles for school management.

Directive Principles of State Policy (DPSP) in Part 4 of the Indian Constitution

Chapter 4A was added a little later when it was felt that the students should be given some duties also so that they feel responsible for the school.

For example,

- Students should not destroy benches/boards/parks.
- Students should keep their classes clean.
- Students should work for making the school better in competition with other schools.

Fundamental duties added in the Part 4A

Chapter 5 is about how the post of principal will be managed now.

It describes that the school students will conduct an open poll among themselves. They will choose a monitor for the school, who would be called as Prime Monitor.

- He/She shall be chosen by voting. Each student will cast one vote.
- Any student from any class can become Prime Monitor by winning this election.

Part 5 about Union of India (Prime Minister, President etc.).

Chapter 6 and 7 are about the classes. It gives details about class administration and the class monitor

- He/she will do all the work as in charge of the class.
- He/she will be chosen by voting by all class students.
- Any student of that class can become a class monitor by winning the poll.
- This class monitor will change after every 5 months.

Part 6 and 7 are about the States (CM, Governor etc.).

Chapter 8 was added to tell how the laboratory and the library will be managed.

The lab would be directly under the Prime Monitor and no separate monitor would be selected for it.

In the case of the library, a class monitor will be chosen but he/she will have fewer powers as compared to other class monitors.

Part 8 of the Indian Constitution describes administration in various Union Territories

Chapter 9 told that even in every class, each row should have their monitor and he/she should be given some powers to manage issues related to that specific row.

Like problems specific to the first row or last row.

- This new monitor will also be elected every 5th month by voting for students of that row.

Part 9 explains Panchayati Raj and Municipalities

Chapter 10 is for the children with special needs, if present in any class.

- These special students will be decided by the Prime Monitor. The Prime Monitor will ensure that they are provided with the special care that they need.

-Class monitors will have limited powers in cases of these students.

Part 10 deals with Scheduled Areas

Chapter 11 tells about how Prime Monitor and Class Monitors will interact with each other.

It tells how Prime Monitor will help the Class Monitors in various duties and how miles will be framed by them.

Part 11 deals with union and state relationships

Chapter 12 tells about the fee collection from the students.

-It tells that the admission fee will go to PM (Prime Monitor).

-The monthly fee will go to CM (Class Monitor).

-PM will distribute some of the admission fees to different classes according to the decision of the Financial Committee of students made for this purpose.

Part 12 deals with financial relation between union and states

There are 12 more Parts that further deal with elections, emergency powers and other miscellaneous terms.

Schedules of the Indian Constitution

Apart from various parts and articles of the constitution, some schedules (like the appendix in our books) are attached at the end of the constitution. We need to remember these for various competitive examinations as these are asked very often. We can use the following mnemonic tricks to remember them.

Tricks are in italic and underlined

Schedule 1- List of Indian States & Union Territories. *Of course, the first list should contain it*

Schedule 2- Salary of different constitutional posts

Schedule 3- Oaths for different constitutional posts- *Salary is asked first, before taking an oath to any job, so salary is earlier than oath.*

Schedule 4- Allocation of seats to Rajya Sabha- *Shape of '4' resembles chair (seat).*

Schedule 5- Provisions related to the Scheduled Area or Scheduled Tribes- *'5' number shape resembles 'S' shape of S cheduled Area. Also, it is half of 10, as part 10 of the constitution is also related to scheduled areas.*

Schedule No.	Content	Trick to remember
6	Provisions related to tribal are of 4 states – Meghalaya, Assam, Tripura & Mizoram (MATM)	Shape of '6' resembles with the shape of 't' 6 (Schedule no.) + 4 (States) = 10
7	Three lists of power division b/w States & Union Union List-powers of Union State list – powers of state Concurrent lists- both union and state can make laws on these subjects	7 on rotating by 180 degrees becomes L 7 (schedule no.) + 3 (lists)=10
8	Language (22)	8 th pass can read at least one language, so this schedule deals with list of language.
9	Validation of certain acts	Parliamentarian had kept certain acts under schedule 9 that cannot be

10	Anti-defection law	reviewed by the courts. But as a reaction, schedule 10 acts against faulty parliamentarian who change parties.
11	Panchayati Raj	As villages existed before cities, therefore section 11 deals with Panchayats and the later schedule 12 deals with Municipalities
12	Municipalities	

The Preamble

The preamble is the first page of the constitution. It is like an introduction to the salient features of the constitution. It is the most important part of the constitution. So, it is a favourite topic for examiners. We need to remember every word and even the sequence of words.

Let's memorise the important points of the preamble with an interesting story. It starts with 'We the People' - means people of the country themselves made this constitution. As we discussed in the school story, the students themselves made the rule book.

Now we will discuss another story of a boy named Summed, who wanted to be a doctor and ultimately became a doctor later in his life. Due to his strong determination of becoming a doctor, all his friends called him by prefixing 'Dr' from a very young age. We can remember that 'Sumedh' was called 'DR. **Sumedh**' while in school, but after he was grown people started calling him by his full name- '**DR. Sumedh Singh Saini**'. He was also fond of eating Jalebi but called it '**Jleb**' while in school.

As Singh, Saini. and 'i' of Jalebi was added later in life, so were **Social**, **Secular** and **i-Integrity** added later by 42nd amendment.

Three words starting with 'S' - **Sov** ereign., **Soc** ial and **Sec** ular come in Preamble in **reverse alphabetic** order as **Su** medh., **Si** ngh and **Sa** ini words are.

D- Democratic
R- Republic
S- **Sov** ereign

S- Soc ial*

S- Sec ular*

J-Justice

L-Liberty

E-Equality

B-Brotherhood-word used in the preamble is ‘fraternity’

I-Integrity*

(* means- added later by 42nd amendment)

The date mentioned in Preamble is was 26 November 1949 (2 months before the 1st republic Day – 26 January 1950).

Citizenship: Part II (Articles 5-11)

Making final draft for Citizenship was one of the hardest tasks while framing the constitution. The problem was partition of India on the one hand and uniting the princely states on the other. Following decisions were taken as mentioned in the above articles-

1. The people who were born and were living in Pakistan and migrated to India were to be provided Indian Citizenship.
2. The people who were born and living in India and now migrated to Pakistan were not provided Indian Citizenship.
3. People who migrated to Pakistan in 1947 but returned back to reside in India permanently were given Citizenship.
4. The people who were born in India and living abroad but came back, had to be provided citizenship.

Along with the Constitution of **India** , the **Citizenship Act** , 1955, is a **law** relating to **citizenship** in **India**.

New Indian Citizenship can be acquired in following ways-

Citizenship of India by registration can be taken by the Persons of Indian origin who themselves or whose parents was born in India (before partition) and who are residing in India for seven years.

Citizenship of India by naturalization can be taken by a foreigner who is residing in India for the last twelve years.



Overseas Citizenship of India (OCI)

Person of Indian Origin who migrates from India to other countries except for Pakistan and Bangladesh can be considered for OCI.

The following persons (except Pakistan and Bangladesh) are eligible to apply under OCI scheme:

1. Citizen of another country but previously was a citizen of India.
2. Citizen of another country who was already eligible to become a citizen of India at the time of the commencement of the constitution.
3. Citizen of another country but belong to a territory that became part of India after the 15 August 1947.
4. Child or a grandchild or great-grandchild of such a citizen.

OCI is not similar to Dual citizenship as-

- OCI persons do not have the right to vote.
- They cannot hold an Indian passport.
- They are not eligible for constitutional posts.

Fundamental Rights: Part III (Article 12-35)

Article No.	What it contains	Mnemonic to remember it
12	It describes various authorities that constitutes the definition of State. These authorities will ensure the implementation of these Fundamental Rights. It includes Central Govt., State Govt. Panchayats, Municipalities etc.	It is the answer to the first question to know that 'who' will provide rights to citizens. It is of course, the elected representative (Government).
13	It tells that if any law is against the Fundamental Rights, then that law will become null and void.	It is the answer to the 2nd question 'How' it gives supremacy to fundamental rights.
14	Equality before law- means everyone is equal in courts. If someone commits a murder, penalty is same, whether he is Rich or Poor, Hindu or Muslim, Rural or Urban, Upper caste or Lower caste, Man or Woman.	Visualize the scales (sign of Justice) with figure of 14.
15	No discrimination on grounds of Religion, Race, Caste, Sex or Place of Birth.	It is in the continuation of article 14, Article 14 tells about equality and article 15 tells the grounds on which inequality is prevented.
16	Equality of opportunity in Public employment.	At 16 years of age, students are about to join college and they have a lot of opportunities to go to any college depending upon their choice for future employment.
17	Abolition of untouchability	Up to 17 years, people should not touch motor vehicles.
18	Abolition of titles	Becoming an adult at the age of 18, is like getting a title.

19	<p>It deals with freedom of</p> <ol style="list-style-type: none"> speech and expression to assemble peacefully to form associations or unions to move freely throughout country to reside and settle anywhere to practice any profession. 	<p>The sequence of 6 freedoms given in article 19 can be remembered by imagining a hypothetical person who started a new political party in another state by following these actions</p> <p>First, he started public speeches (using Article-19)</p> <p>Then people gathered to listen to him.</p> <p>Then people got influenced and were made associates.</p> <p>Then these people moved throughout the country</p> <p>Then they settled in different parts of the country</p> <p>and launched a political party. Thus, they came to a new profession</p>
20	<p>Protection in conviction for offences</p> <p>It protects citizens from misuse of legal machinery against them by following 3 rules-</p> <ol style="list-style-type: none"> No Double Jeopardy - A person cannot be punished twice for the same offence. No ex post facto- A person cannot be punished for an act which was not illegal at the time of committing it. No self in criminalization - Person cannot be forced to give witness against himself. 	<p>You can remember it as article 20 prevents 420 (cheating) to citizens, means</p> <p>- Government cannot punish twice or by making adverse laws after the act or by forcing to witness against himself.</p>
21	<p>Right to life and personal liberty</p> <ul style="list-style-type: none"> - It is very important article - It contains a lot of rights which are central to personal life like - Right to free legal aid - Right to privacy - Right to education (Article 21-A) 	<p>Although person become adult at 18 but actual right to liberty starts at 21 years as it is minimum age to appear in IAS exam, for alcohol consumption or for marriage (in males)</p>
22	<p>Protection against arrest</p> <ul style="list-style-type: none"> - It tells that person cannot be arrested without telling him the reason of arrest. - He / she has to be produced before a Judge within 24 hours of arrest - He/she has the right to take help of advocate to represent himself/ herself. 	<p>It can be remembered as 22G (Bai ji) Arrested</p> <p>- Means it prevents arrest of Big brother (22G)</p>

23	It prevents traffic (business) of human beings for forced labor.	Imagine it as if in 23 Sector, market was for business of human beings and now it is banned.
24	Prohibition of employing less than 14 years children in factories.	24 and 14 share the same last digit, so remember that Article 24 deals with the figure of 14.
25	Freedom to progress practice and propagate any religion.	Articles 25 to 28 deals with Religious freedom. As most religious sects allow new entry at a minimum of 25 years, so it can again be remembered with age At 25 years- Person adopts new religion.
26	Freedom to make religious institutions / property.	26 years- He makes religious institution at his house.
27	No compulsory tax for spending money on prevention of any religion.	27 years- He wanted to collect compulsory funds (taxes) for religious promotion but was not allowed.
28	Freedom to religious educational institutions: to pass religious instructions to students.	28 years- He opened new education institution (private) to teach the students religious teachings along with education.
29	Minorities can preserve their distinct language script or culture.	These 2 articles (29 & 30) deals with minority rights as the above 4 articles deal with religious rights. 29 corresponds almost same to 25 30 corresponds almost same to 28
30	Minorities can establish and administer their educational institutions.	

Directive Principles of State Policy: Part IV (Article 36-51)

These are the guiding principles which are for promotion of social and economic democracy. These principles have been named as *Directive Principles of State Policy*. Their role is to establish a 'welfare state'.

These are non-justifiable. It means that they cannot be enforced by a court for their violation. They create a moral responsibility on the state authorities for their application.

Article Number	Content	Mnemonic
36	Definition of 'State'	<u>Similar to article 12 of Fundamental rights (12x3=36)</u>
37	Application will be duty of State but no compulsion, means citizens cannot go to court	<u>But Fundamental Rights are compulsory and citizens can go to court</u>

Classification of the Directive Principles

The classification of Directive Principles of State Policy has not been mentioned in the constitution of India.

On the basis of their purpose, we can divide them into three categories, i.e. *socialistic, Gandhian and liberal-intellectual*.

Socialist Principles

These principles are based on ideology of socialism. They make the framework of a democratic socialist state, aimed at providing social and economic justice, and working towards a welfare state.

Following Articles state the desired guidelines of Socialistic Principles of state policy-

- **Article 38:** Welfare of the citizens by having a social order and to minimize the inequalities in income, status, facilities and opportunities.
- **Article 39:** To secure
 1. The right to adequate means of livelihood.
 2. The equitable distribution of material resources.
 3. Prevention of concentration of wealth.
 4. Equal pay for equal work.
 5. Preservation of the health of workers.
 6. Healthy development of children.
- **Article 39A:** To provide free legal aid to the poor (added after 42nd amendment)
- **Article 41:** To secure the right to work, to education and to public assistance.
- **Article 42:** Humane conditions of work and maternity relief
- **Article 43A:** Participation of workers in the management of industries.

Memory Tricks

Remember these in continuation.

A-38 dreams about the ideal condition, A-39 and 39A explains the various dimensions to achieve it.

Remember A-41 with MGNREGA, A-42 and A-43A with Factory Acts.

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Gandhian Principles

These principles are based on Gandhian ideology.

Following Articles are classified under Gandhian Principles of state policy:

- **Article 40:** To organize village panchayats and enable them to function as units of self-government.
- **Article 43:** To promote cottage industries on an individual or co-operation basis.
- **Article 43B:** To promote formation, autonomous function, democratic control and good management of co-operative societies. (added after 97th amendment).

- **Article 46:** To safeguard the educational and economic interests of SCs, STs, and other weaker sections of the society.
- **Article 47:** To prohibit the intake of intoxicating drinks and drugs which are not good to health .

Tricks to Remember

<i>Article</i>	<i>Content</i>	<i>Mnemonic</i>
40	Panchayat	<i>Panchayat contains 5 members and 40 is the multiple of 5 (5X8=40)</i>
43 & 43 B	Cottage industries and Co-op societies	<i>After political setup under article 40, these articles deal with economic welfare of local people</i>
46	Education and economic interest of weaker section	<i>Visualize it as 4 to 6 institutions for weaker section</i>
47	Alcohol	<i>As some people drink 4 days a week (Sun-Wed-Fri-Sat) and some people drink all 7 days of a week, so A-47 is related to alcohol</i>

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Liberal–Intellectual Principles

The principles are based on the ideology of liberalism. Following articles are classified under Liberal–Intellectual Principles of state policy:

- **Article 44:** To secure for all citizens a uniform civil code throughout the country.
- **Article 45:** Early childhood care and education for all children until the age of six years.
- **Article 48:** To develop agriculture and animal husbandry on modern and scientific lines.
- **Article 48A:** To protect the environment, forests and wildlife (added after 42nd amendment).
- **Article 49:** To protect monuments, places and objects of which are declared as of national importance.
- **Article 50:** To separate the judiciary from the executive.
- **Article 51:** To promote the international peace and security.

<i>Article</i>	<i>Content</i>	<i>Mnemonic</i>
44	Uniform civil code	<u>4=4 (Uniform/equal for all).</u>
45	Care till 6 years of age	<u>Care to 4-5 years old Children</u>
48 & 48A	Agriculture Animal Husbandry Forests	<u>Integrated and scientific approach will double profits from 4 to 8</u>
49	To protect monuments, places and objects	<u>These are like protecting 9 planets of the solar system</u>
50	separate the judiciary from the executive	<u>50:50 Judiciary: Executive</u>
51	promote international peace and security	<u>51 rupees 'Shagun' for international peace</u>

Fundamental Duties: Part IVA (Article 51A)

Part IVA of Indian Constitution deals with Fundamental Duties.

Originally, the Constitution of India was not having these duties. These were added by 42nd and 86th Constitutional Amendment acts.

Now there are total 11 Fundamental duties.

Citizens are morally obligated to perform these duties for nation.

However, like the Directive Principles of State Policy, these are non-justifiable in case of their violation or non-compliance. This means that we cannot go to the court of law if they are not implemented.

These were added to the Constitution by the 42nd Amendment in 1976.
It was based on the recommendations of the 'Swaran Singh Committee'.

India took the concept of Fundamental Duties from former USSR (now Russia).

Article 51A: Fundamental duties

It shall be the duty of every citizen –

- (a) to abide by the Indian Constitution and respect its ideals and institutions including the National Flag and the National Anthem;
- (b) to follow the noble ideals which inspired our struggle for freedom;
- (c) to respect and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and give national services when required to do so;
- (e) to promote the spirit of common brotherhood amongst all the citizens of India and to uphold the dignity of women;
- (f) to respect and preserve the rich heritage of our culture;
- (g) to protect the natural environment including forests, lakes and wildlife,
- (h) to have the scientific temper and the spirit of inquiry and reform;

(i) to safeguard public property and to avoid violence;

(j) to move towards excellence in all spheres so that the nation rises to higher levels of achievement.

(k) to provide opportunities for education by the parents to their children between the age of 6-14 years.

Tricks to remember all these duties-

Point of relation to remember Fundamental Duties	Related Fundamental Duties
Freedom Struggle	(a) to abide by the Indian Constitution and respect its ideals and institutions including the National Flag and the National Anthem. (b) to follow the noble ideals which inspired our struggle for freedom.
Preamble	(c) to respect and protect the sovereignty, unity and integrity of India. (e) to promote the spirit of common brotherhood amongst all the citizens of India and to uphold the dignity of women.
1965 and 1971 wars	(d) to defend the country and give national services when required to do so.
1984 riots	(f) to respect and preserve the rich heritage of our culture. (i) to safeguard public property and to avoid violence.
India opening up to world in 1991- LPG reforms (Progress and International Excellence)	(g) to protect the natural environment including forests, lakes and wildlife. (h) to have the scientific temper and the spirit of inquiry and reform. (j) to move towards excellence in all spheres so that the nation rises to higher levels of achievement. (k) to provide opportunities for education by the parents to their children between the age of 6-14 years.

Union: Part V (Article 52-151)

The President of India (Article 52-62)

The President is only the nominal head of the country. Important articles related to the President are-

Article 52: The President of India

It only states that there shall be a President of India.

Article 54: Election of President

The President shall be elected by –

- (a) the elected members of both Houses (Lok Sabha and Rajya Sabha); and
- (b) the elected members of the Legislative Assemblies of the States.
(Including Union Territory of Delhi and Puducherry).

Article 56: Term of office

- (1) The President can hold the office for a term of five years.

President, by writing to the Vice-President, can resign his office;

The President, for violation of the Constitution, can be removed from office.

Article 57: Eligibility for re-election

President is eligible for re-election. (any number of times in India, for US president maximum number of terms are 2)

Article 58: Qualifications-

- (a) citizen of India,
- (b) age of thirty-five years, and
- (c) is qualified for election as a member of Lok Sabha.

(d) shall not be in any office of profit.

Article 61: Procedure for impeachment

(1) President can be impeached only for violation of the Constitution.

(2) Such resolution can be moved after at least fourteen days' notice in writing by not less than one-fourth of the total number of members of Lok Sabha or Rajya Sabha and this resolution is required to be passed by a majority of not less than two-thirds of the total membership.

(3) After this, other House shall investigate the charge against President and the President shall have the right to appear and to be represented at such investigation proceedings.

(4) If after investigation, a resolution is passed by a majority of two-thirds or more of the total membership of the other House, such resolution shall remove the President from his office.

Article 72: Power of President in case of sentences

<i>Power</i>	<i>Meaning</i>	<i>Way to Remember it</i>
<i>Par <u>don</u></i>	completely absolves the convict	Par+Don= At Par with Don, means the guilty will be considered as he had never committed that crime.
<i>Com <u>mut</u> ation</i>	Substitution of one form of punishment for a lighter	It can be remembered as shifting the guilty from a very 'noisy' jail to a 'mute' one.
<i>Re <u>mission</u></i>	It implies reducing the period of sentence	Decreasing the 'mission' length.
<i>Re <u>sp</u> ite</i>	<u>Sp</u> ecial fact	' <u>Sp</u> '- comes in both Res <u>sp</u> ite and <u>sp</u> ecial (remember with Despite- despite pregnancy, imprisonment continued).
<i>Re<u>p</u>rieve</i>	Stay for a temporary period	Remember it with 'Re-Fry' as guilty will be fried again after stay.

Under Article 161, the governor of the state also has these powers.

But the powers of the governor are different from that of the President in the following ways:

1. The President can pardon the sentence of court martial while the governor cannot.

2. The President can pardon the death sentence while governor cannot.



The Vice-President of India (Article 63-73)

The Vice-President of India is the second highest constitutional office after the President.

Article 63: The Vice-President of India

This article states that there shall be a post of Vice-President of India.

Article 64: Ex-officio Chairman of the Council of States (Rajya Sabha)

The Vice-President is ex-officio Chairman of the Council of States (**Rajya Sabha**).

Article 65: The Vice-President will act as President during the absence of the President

Article 66: Election of Vice-President

The Vice-President is elected by the members of both Lok Sabha and Rajya Sabha.

Difference from President election is that State and U.T. Legislative assemblies have no role in election of Vice-President.

Rest qualifications are same as that for The President-

- (a) citizen of India;
- (b) age of thirty-five years, and
- (c) is qualified for election as a member of Lok Sabha.
- (d) shall not be in any office of profit.

Article 67: Term of office

The Vice-President has a term of 5 years.

Provided that –

- (a) Vice-President can give resignation letter to President (**President will hand over his resignation letter to Vice-President and Vice-president his resignation letter to President**).
- (b) Vice-President can be removed from his office by a resolution in Rajya Sabha if it is passed by a majority of all the members of Rajya Sabha and further passed by the Lok Sabha; (**Here**

resolution will start only in Rajya Sabha but in the case of President it can start in either house).

(c) A Vice-President continue to hold office until his successor joins the office. **(means term can be more than 5 years).**

Article 71: Disputes relating to the election of a President or Vice-President

(1) All doubts or disputes in connection with the election of a President or Vice-President shall be decided by the **Supreme Court**, and its decision shall be final.

(2) Point to note here is that if the election as President or Vice-President is declared void by the Supreme Court, acts done by President or Vice-President on or before the date of such decision of the Supreme Court shall not be declared invalid.

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Prime Minister and Council of Ministers

Prime Minister is the real head of Union Government while the President is nominal head.

Article 74: Council of Ministers

There is a provision of a Council of Ministers with the Prime Minister as head, to help and advise the President who shall act in accordance with such advice.

(means President is bound by such advice, that makes Prime Minister as the real head).

Article 75: Other provisions as to Ministers

(1) The Prime Minister is appointed by the President of India. Other Ministers are appointed by the President on the advice given by the Prime Minister.

(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers, cannot be more than 15 per cent of the total number of members of the Lok Sabha. (This limit was added by 91st amendment)

(1B) A member who is disqualified under the Tenth Schedule shall also be disqualified to be appointed as a Minister (Anti-defection law given in 10th schedule as discussed earlier)

(2) The Ministers can hold office by the pleasure of the President. (actually it means pleasure of Prime Minister as President is bound by the advice of PM)

- (3) The Council of Ministers is collectively responsible to the Lok Sabha, not individually. (either they all float or all sink together)
- (4) Before a Minister joins his office, the President administers him the oaths of office and of secrecy according to the Third Schedule. (Oaths are given in 3rd Schedule, as discussed earlier)
- (5) A Minister who is not a member of either House for any period of six consecutive months, cease to be a Minister. (means any person can be appointed as minister but within 6 months, he/she has to become a member of Lok Sabha or Rajya Sabha)
- (6) The salaries of Ministers shall be determined by Parliament as specified in the Second Schedule. (Salaries in 2nd Schedule, as discussed earlier)

The Cabinet is a smaller body than Council of Ministers which consists of only a few important senior ministers who are in charge of separate departments.

Cabinet exercises all powers on behalf of the Council of Ministers. The policy decisions are taken in the Cabinet.

There are **3 categories of ministers** (COM), in descending order of rank:

- **Union Cabinet Minister:** senior minister in-charge of a ministry.
- **Minister of State (Independent Charges):** with no overseeing Union cabinet minister for that portfolio.
- **Minister of State (MoS):** junior minister to cabinet minister, usually tasked with a specific responsibility in that ministry.

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The Attorney-General for India

He acts as the highest level of a legal advisor(advocate) to the Union Government.

Article 76: Attorney-General for India

- (1) The President appoints a person who is qualified to be appointed as a Judge of the Supreme Court to be Attorney- General for India.
- (2) Attorney-General gives advice to the Government of India upon such legal matters.
- (3) Attorney-General has the right of audience in all courts of India.

(4) The Attorney-General holds office as long as is the pleasure of the President, and receive salaries as the President may determine. (means no fixed term of 5 years as for others and no fixed salary in 2nd schedule as for other posts).

Other important Articles of Indian Constitution

Article No. 110 : - Definition of Money Bills.

Article No. 112 : - Annual Financial Statement i.e. Budget.

Article No. 123 : - Power of President to promulgate ordinances during either house of Parliament is not in session.

Article No. 148 : - Comptroller and Auditor-General of India (CAG)-remember CAG as 'Gag' against corruption.

Article No. 155 : - Appointment of Governor.

Article No. 161 : - Power of Governor to grant lesser sentence as we discussed in the case of the President but here pardon from court martial and death sentence cannot be given by Governor.

Article No. 163 : - Council of Ministers to advise the Governor.

Article No. 165 : - Advocate-General of state (as there is Attorney General at National Level).

Article No. 172 : - Duration of State Legislatures (It is 5 years).

Article No. 173 : - Qualification for members of the State Legislature (MLAs).

Article No. 202 : - Annual financial statement (Budget) of the State Legislature.

Article No. 210 : - Language that to be used in the State Legislature.

Article No. 212 : - Courts cannot inquire into proceedings of the State Legislature.

Article No. 213 : - Power of governor to promulgate ordinances.

Article No. 214 : - High courts

Article No. 217 : -Appointment and the conditions for judge of a High Court.

Article No. 226 : - Power of high courts to issue writs (Similar to article 32).

Article No. 243B : - Panchayats

Article No. 243K : - Elections for Panchayats

Article No. 249 : - Power of Parliament to make law in the national interest on a matter in the State List.

Article No. 262 : - Disputes relating to waters of inter-state rivers

Article No. 263 : - Inter-state council

Article No. 280 : - Finance Commission (It distributes taxes between Union and States).

Article No. 300A : - Persons cannot be deprived of property unless by authority of law (Right to property).

Article No. 312 : - All-India Services

Article No. 315 : - Public Service Commission

Article No. 320 : - Functions of Public Service Commissions

Article No. 323-A : - Administrative Tribunals

Article No. 330 : - Reservation of seats for SC and ST in the Lok Sabha

Article No. 352 : - Proclamation of Emergency (National Emergency)

Article No. 356 : - Failure of constitutional machinery in states (President's Rule)

Article No. 360 : - Financial Emergency

Article No. 368 : - Amending the Constitution and the procedure

Article No. 370 : - Temporary provisions with respect to the state of Jammu and Kashmir (It was repealed recently in August 2019 by the Indian Parliament).



Extended learning

If you further need such mnemonics, then you may WhatsApp your request to +91-9872773450 or mail it to dr.vinaybansal@gmail.com .

We will keep on updating you with the latest tricks and mnemonics.

We want to thank all our readers for their time and trust in us.

Happy learning...

Dr. Vinay Bansal